

### **APPLICATION FOR A MINOR VARIANCE**

#### **ALL MINOR VARIANCE APPLICATIONS MUST BE ACCOMPANIED BY THE FOLLOWING INFORMATION:**

1. Application Form
2. Fee
3. One survey plan or sketch plan
4. Authorization from owner if applicant is not the owner

**NOTE:** The application cannot be processed until it is considered to be complete. An application is considered to be complete when all of the above have been provided and the requisite sign has been posted on the subject lands and that all signage requirements have been satisfied.

#### **1.0 APPLICATION FEE:**

**\$1,070.00**

**\$1,290.00 - \*After the Fact**

\* The “**After the Fact**” fee is applicable if construction has already taken place.

Please make Cheque payable to the “**City of Hamilton**”.

Please Note: The application fee is **non-refundable** whether the application is approved or denied. Prior to submitting an application, it is strongly recommended that you contact the planner responsible for your particular area in order to determine the feasibility of your proposal. Please call the Committee of Adjustment office for further information.

#### **CONSERVATION AUTHORITY PLAN REVIEW FEES**

**For lands located within the watershed boundaries of the Hamilton Conservation Authority or Conservation Halton.**

**\$430.00 (Minor)\***

**\$850.00 (Major)\*\***

\***Minor** - In the area of interest to the Conservation Authority (Scoped EIS).

\*\***Major** - Technical studies (ie. Storm Water Management or Geotechnical) beyond a scoped EIS are required.

**For lands located within the watershed boundaries of the Niagara Peninsula Conservation Authority.**

**\$325.00 (Minor)\***

**\$645.00 (Major)\*\***

\***Minor** - In the area of interest to the Conservation Authority (Scoped EIS).

\*\***Major** - Technical studies (ie. Storm Water Management or Geotechnical) beyond a scoped EIS are required.

**For lands located within the watershed boundaries of the Grand River Conservation Authority.**

**\$250.00 (Minor)\***

**\$500.00 (Major)\*\***

\***Minor** - In the area of interest to the Grand River Conservation Authority

\*\***Major** - In the area of interest to the Grand River Conservation Authority and requires any kind of study (i.e. Storm Water Management, Environmental Impact Statement, Geotechnical, etc.)

Once an application is submitted, City of Hamilton staff will advise the proponent if their application requires Conservation Authority review, and if so, which Conservation Authority their project falls within.

The fee is to be made payable to the appropriate Conservation Authority and submitted to the City of Hamilton upon request. The fee will be forwarded to the Conservation Authority along with the application.

Note: For lands located within the watershed boundaries of the Conservation Authority, combined applications will only be processed at the highest rate.

## **2.0 SIGNAGE REQUIREMENTS**

1. A sign is required to be posted on the subject lands.
2. A cardboard sign will be provided to the applicant when the application is submitted or the applicant will be contacted to pick up a sign for the subject property.
3. Once the application is processed a copy of the notice will be forwarded to the applicant/consultant which must be inserted into the sleeve on the sign.
4. The sign must be posted on the property so that it is visible to the public.
5. The sign must remain on the property until the appeal period has been completed.

## **3.0 APPLICATION FORM (ATTACHED)**

1. Parts 1 to 26 to be completed. Please read the application form carefully and answer each item accurately and fully.
2. The signature on page 6 is to be validated by a Commissioner of Oaths. ie. City Clerk, Solicitor.
3. Two copies of the application are required by the Secretary for the Committee of Adjustment.
4. The application shall be signed by the owner of the land that is the subject of the application or a person authorized by the owner to make the application.
5. Where the application is signed by a person authorized by the owner, the owner's signed authorization in Part 24 of the application shall be completed.
6. Application to be submitted to:  
Secretary-Treasurer  
Committee of Adjustment  
Planning and Economic Development Department  
5<sup>th</sup> floor, 71 Main Street West  
Hamilton, ON L8P 4Y5

## **4.0 DETAILED INFORMATION REQUIRED FOR APPLICATIONS**

1. Item 6 - This item is extremely important as this is the reason for the application. The Notice of Hearing for the application and the Decision are both formulated from this item. It is imperative that the applicant clearly indicate all of the variances being applied for in exact mathematical terms with proposed figures. If the applicant has any doubt as to why a variance application is necessary or as to the detail of the nature of the variances then the applicant should contact the Building Department or Secretary for the Committee of Adjustment for assistance.

The staff processing the minor variance application cannot look beyond the information provided in Item 6 and must process your application on the basis of information in Item 6. **This Is Your Application. Make Sure You Know The Details Of Exactly Why You Have To Apply To The Committee Of Adjustment.**

Any errors or omissions in Item 6 could result in discovery at the hearing that there is need for additional variances or a change requiring recirculation of your application resulting in further delay and in some cases the need for submission of an additional application with a further application fee.

2. Item 19 - Refers to the City's Official Plan land use designation of the subject property. This can be obtained from the Planning Department if the applicant does not know.
3. Item 20 - Is asking for the zoning of the subject property. This can be obtained from the Building Department if the applicant does not know.
4. Item 22 - An application for consent can also be referred to as a severance.

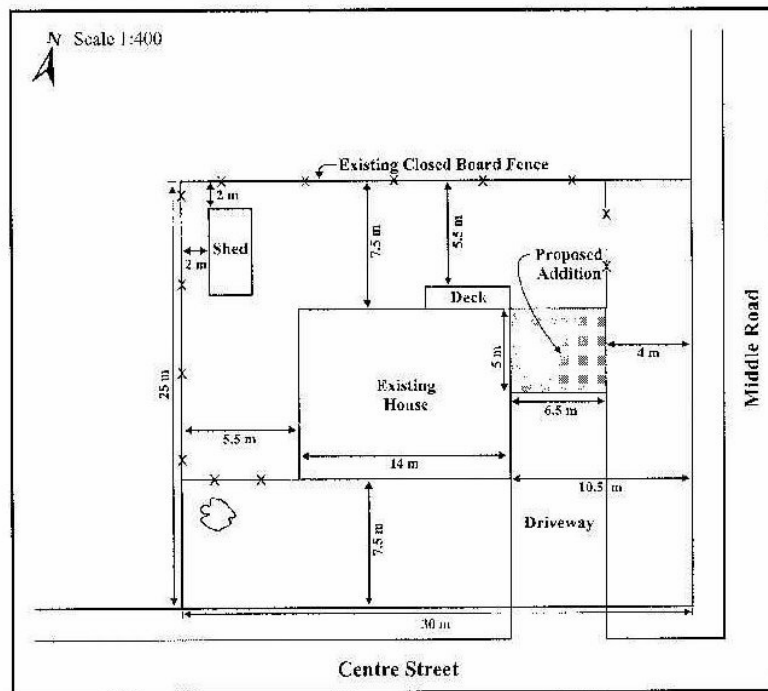
## **5.0 SKETCH MAP**

If a survey plan of the subject property is not available, then a sketch plan may be submitted.

The sketch plan must be submitted with the minor variance application to provide clarification of the variance being applied for. The following details must be supplied:

1. the true dimensions of the property for which the application is being made;
2. the location and dimensions of all existing buildings, structures or uses on the subject property;
3. the setback measurements from the lot lines to the existing or proposed building on the subject property (ie. front yard, rear yard, side yard setbacks). If applicable, the distance of building on neighbouring lots;
4. clearly demonstrate the difference between the existing building and the proposed addition (if applicable);
5. the location and name of the street should be shown;
6. the location must be drawn to scale utilizing good drafting techniques;
7. a scale and north arrow should be shown on the sketch;
8. the Committee reserves the right to reject sketches for insufficient or poorly presented information.
9. the size has to be a minimum of 8.5 " x 11" and a maximum of 11" x 17".

Example:



## 6.0 ADDITIONAL INFORMATION FOR THE APPLICANT

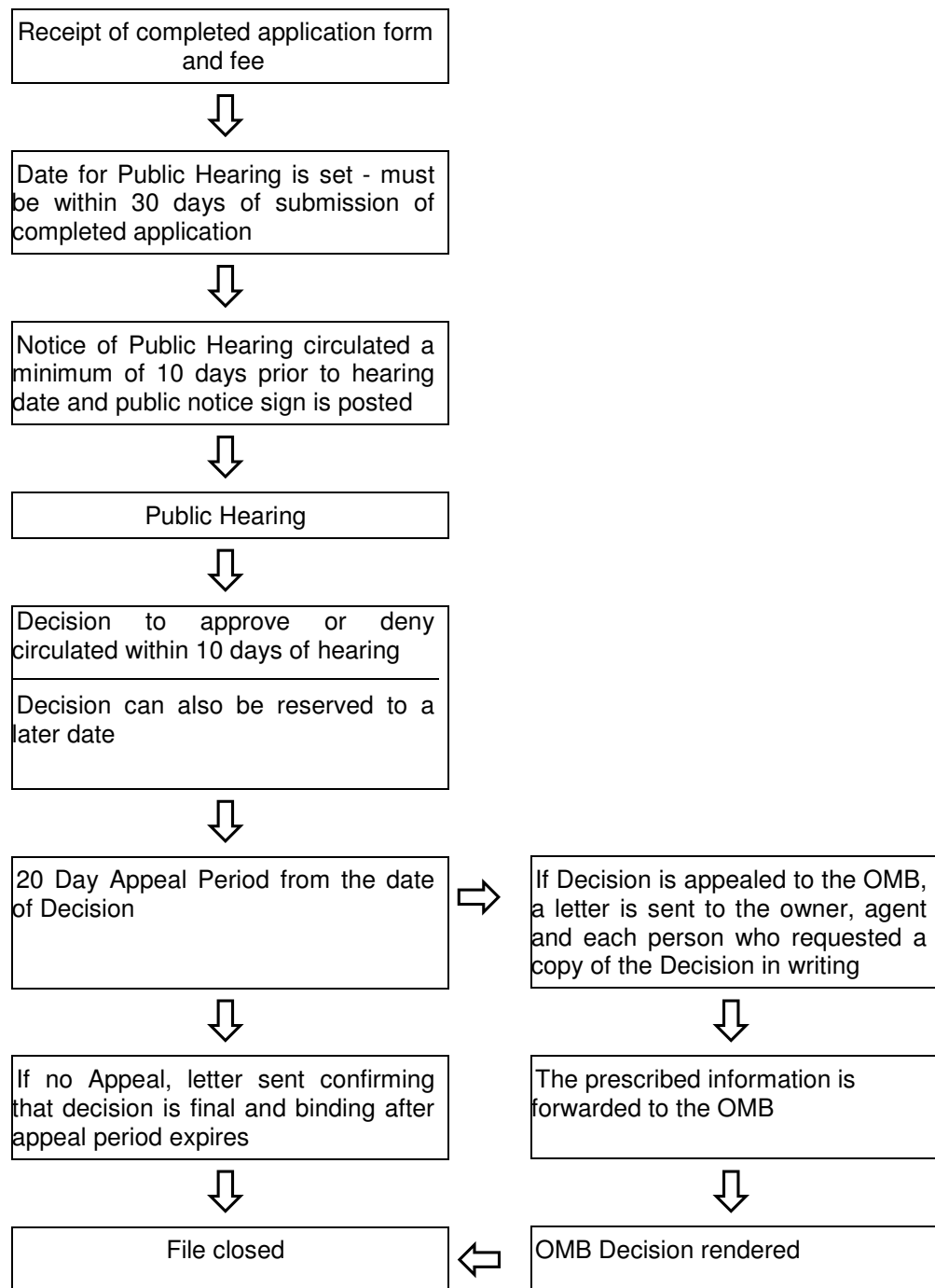
1. All information submitted in support of this application will be considered public information, including any reports, studies, drawings or other documentation submitted by applicant(s), agent(s), consultants(s) or solicitor(s). The City of Hamilton is permitted to make the application and any associated supporting information available to the general public, including posting electronic versions of the application form and associated studies and reports online. The City of Hamilton is also permitted to provide copies of the application and any supporting information to any member of the public or other third party that requests the information.
2. The Committee of Adjustment generally meets on Thursday afternoons. The Secretary schedules the applications and will advise the applicant of the actual hearing date by way of notice.
3. The applicant/agent will receive a public notice stating the time and place of their hearing.
4. The applicant/agent is required to attend the hearing on the date and time stated in the public notice to represent his application.
5. The applicant/agent should be prepared to present their application before the Committee if required, explaining the necessity for the variance. The applicant/agent should be prepared to answer any questions by the Committee or members of the public.

6. Once the application has been heard and the Committee members have made a decision the Secretary will send the applicant/agent a notice of decision.
7. There will be a 20 day appeal period after the decision has been made. No construction may occur until this appeal period has expired. A final letter will be received by the applicant at the time of expiration explaining whether or not an appeal to the Ontario Municipal Board has been lodged. If the applicant, the City or surrounding residents are dissatisfied with the decision of the Committee of Adjustment they may, within the 20 day appeal period, deliver personally to the secretary or send by registered mail a Notice of Appeal, with reason for appeal, together with a cheque in the amount of \$125.00 made payable to the "Minister of Finance". The appeal is then forwarded, with all necessary material, to the Ontario Municipal Board. The Office of the Ontario Municipal Board will notify you of a hearing date at which time you must attend.

**Note:** The approximate total processing time for an application without an appeal is about 7-9 weeks.

## 7.0 COMMITTEE OF ADJUSTMENT PROCESS

### COMMITTEE OF ADJUSTMENT MINOR VARIANCE PROCEDURES





Hamilton

Committee of Adjustment  
City Hall  
5<sup>th</sup> floor 71 Main Street West  
Hamilton, Ontario L8P 4Y5

Planning and Economic Development Department  
Development and Real Estate Division

Phone (905) 546-2424 ext.4221  
Fax (905) 546-4202

**PLEASE FILL OUT THE FOLLOWING PAGES AND  
RETURN TO THE CITY OF HAMILTON PLANNING  
DEPARTMENT.**

<b>FOR OFFICE USE ONLY.</b>	
APPLICATION NO. _____	DATE APPLICATION RECEIVED _____
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

**CITY OF HAMILTON  
COMMITTEE OF ADJUSTMENT  
HAMILTON, ONTARIO**

**The Planning Act**

**Application for Minor Variance or for Permission**

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the Planning Act, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

- Name of Owner \_\_\_\_\_ Telephone No. \_\_\_\_\_  
FAX NO. \_\_\_\_\_ E-mail address. \_\_\_\_\_
- Address \_\_\_\_\_  
\_\_\_\_\_ Postal Code \_\_\_\_\_
- Name of Agent \_\_\_\_\_ Telephone No. \_\_\_\_\_  
FAX NO. \_\_\_\_\_ E-mail address. \_\_\_\_\_
- Address \_\_\_\_\_  
\_\_\_\_\_ Postal Code \_\_\_\_\_

**Note: Unless otherwise requested all communications will be sent to the agent, if any.**

- Names and addresses of any mortgagees, holders of charges or other encumbrances:  
\_\_\_\_\_  
\_\_\_\_\_ Postal Code \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ Postal Code \_\_\_\_\_

6. Nature and extent of relief applied for:

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7. Why it is not possible to comply with the provisions of the By-law?

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8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):

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9. PREVIOUS USE OF PROPERTY

Residential \_\_\_\_\_ Industrial \_\_\_\_\_ Commercial \_\_\_\_\_

Farmland \_\_\_\_\_ Vacant \_\_\_\_\_

Other \_\_\_\_\_

9.1 If Industrial or Commercial, specify use \_\_\_\_\_

9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes \_\_\_\_\_ No \_\_\_\_\_ Unknown \_\_\_\_\_

9.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes \_\_\_\_\_ No \_\_\_\_\_ Unknown \_\_\_\_\_

9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes \_\_\_\_\_ No \_\_\_\_\_ Unknown \_\_\_\_\_

9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes \_\_\_\_\_ No \_\_\_\_\_ Unknown \_\_\_\_\_

9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes \_\_\_\_\_ No \_\_\_\_\_ Unknown \_\_\_\_\_

9.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes \_\_\_\_\_ No \_\_\_\_\_ Unknown \_\_\_\_\_

9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes \_\_\_\_\_ No \_\_\_\_\_ Unknown \_\_\_\_\_

9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes \_\_\_\_\_ No \_\_\_\_\_ Unknown \_\_\_\_\_

9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes \_\_\_\_\_ No \_\_\_\_\_ Unknown \_\_\_\_\_

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes \_\_\_\_\_ No \_\_\_\_\_

**ACKNOWLEDGEMENT CLAUSE**

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature Property Owner

\_\_\_\_\_  
Print Name of Owner

10. Dimensions of lands affected:  
Frontage \_\_\_\_\_  
Depth \_\_\_\_\_  
Area \_\_\_\_\_  
Width of street \_\_\_\_\_

11. Particulars of all buildings and structures on or proposed for the subject lands:  
(Specify ground floor area, gross floor area, number of stories, width, length, height,  
etc.)

Existing: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Proposed: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

12. Location of all buildings and structures on or proposed for the subject lands;  
(Specify distance from side, rear and front lot lines)

Existing: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Proposed: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

13. Date of acquisition of subject lands:

\_\_\_\_\_

14. Date of construction of all buildings and structures on subject lands:

\_\_\_\_\_

15. Existing uses of the subject property: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

16. Existing uses of abutting properties: \_\_\_\_\_

\_\_\_\_\_

17. Length of time the existing uses of the subject property have continued:

\_\_\_\_\_  
\_\_\_\_\_

18. Municipal services available: (check the appropriate space or spaces)

Water \_\_\_\_\_ Connected \_\_\_\_\_  
Sanitary Sewer \_\_\_\_\_ Connected \_\_\_\_\_  
Storm Sewers \_\_\_\_\_

19. Present Official Plan provisions applying to the land:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:

\_\_\_\_\_  
\_\_\_\_\_

21. Has the owner previously applied for relief in respect of the subject property?

Yes

No

If the answer is yes, describe briefly.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

22. Is the subject property the subject of a current application for consent under Section 53 of The Planning Act?

Yes

No

23. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

**NOTE: It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps referred to in Section 5 and be accompanied by the appropriate fee in cash or by cheque made payable to the City of Hamilton.**

I, \_\_\_\_\_ of the \_\_\_\_\_ of \_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_ solemnly declare that:

All of the above statements are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me at the

at the \_\_\_\_\_ of \_\_\_\_\_ )

)

in the \_\_\_\_\_ )

)

of \_\_\_\_\_ )

\_\_\_\_\_

Applicant

this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 20 )

\_\_\_\_\_

A Commissioner, etc.

**PART 24 OWNERS AUTHORIZATION**

As of the date of this application, I (NAME) \_\_\_\_\_ am the registered Owner of the lands described in this application, and I have examined the contents of this application and hereby certify that the information submitted with the application is correct insofar as I have knowledge of these facts, and I hereby authorize:

\_\_\_\_\_ of \_\_\_\_\_

to act as my agent in this matter and to provide any of my personal information that will be included in this application or collected during the processing of the application.

DATE \_\_\_\_\_ SIGNED \_\_\_\_\_

**PART 25 CONSENT OF THE OWNER**

Complete the consent of the owner concerning personal information set out below.

Consent of Owner to the Disclosure of Application Information and Supporting Documentation

Application information is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13. In accordance with that Act, it is the policy of the City of Hamilton to provide public access to all *Planning Act* applications and supporting documentation submitted to the City.

I, \_\_\_\_\_, the Owner, hereby agree and acknowledge  
(*Print name of Owner*)

that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I hereby consent to the City of Hamilton making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

\_\_\_\_\_ Date

\_\_\_\_\_ Signature of Owner

**PART 26 PERMISSION TO ENTER**

Date: \_\_\_\_\_

Secretary/Treasurer  
Committee of Adjustment  
City of Hamilton  
City Hall

Dear Secretary/Treasurer;

Re: Application to Committee of Adjustment  
Location of Land: \_\_\_\_\_  
(Municipal address)

I hereby authorize the members of the Committee of Adjustment and members of the staff of the City of Hamilton to enter on to the above-noted property for the limited purposes of evaluating the merits of this application.

\_\_\_\_\_  
Signature of Owner or Authorized agent

\_\_\_\_\_  
Please print name

Note: The Committee of Adjustment requires that all properties be identified with the municipal address clearly visible from the street. Where there is no municipal address or the property is vacant then the property shall be identified in accordance with the Committee’s policy included on the back of the Application Form. Failure to properly identify the subject property may result in the deferral of the application.

**PART 27 COLLECTION OF INFORMATION**

The personal information contained on this form is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13, and will be used for the purpose of processing the application. This information will become part of the public record and will be made available to the general public. Questions about the collection of this information should be directed to the Coordinator of Business Facilitation, Planning and Economic Development Department, City of Hamilton, 1<sup>st</sup> floor, 71 Main Street West, City Hall, Hamilton, Ontario, Telephone: 905-546-2424, ext.1324.

CITY OF HAMILTON  
COST ACKNOWLEDGEMENT AGREEMENT

This Agreement made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

BETWEEN:

\_\_\_\_\_  
Applicant's name(s) hereinafter referred to as the "Developer"

-and-

City of Hamilton

hereinafter referred to as the "City"

WHEREAS the Developer represents that he/she is the registered owner of the lands described in Schedule "A" attached hereto, and which lands are hereinafter referred to as the "lands";

AND WHEREAS the Developer has filed for an application for a (circle applicable) consent/rezoning/official plan amendment/subdivision approval/minor variance.

AND WHEREAS it is a policy of the City that any City costs associated with an appeal to the Ontario Municipal Board, by a party other than the Developer, of an approval of a consent, rezoning, official plan amendment, plan of subdivision, and/or minor variance, such as, but not limited to, legal counsel costs, professional consultant costs and City staff costs, shall be paid by the Developer.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the sum of two dollars (\$2.00) now paid by the City to the Developer, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. In this Agreement:
  - (a) "application" means the application(s) for a (circle applicable) consent/rezoning/official plan amendment/subdivision approval or minor variance dated \_\_\_\_\_ with respect to the lands described in Schedule "A" hereto.
  - (b) "Expenses" means all expenses incurred by the City if the application is: (a) approved by the City; (b) appealed to the Ontario Municipal Board by a party other than the developer; and (c) the City appears before the Ontario Municipal Board or any other tribunal or Court in support of the application, including but not limited to: City staff time, City staff travel expenses and meals, City disbursements, legal counsel fees and disbursements and all consultant fees and disbursements including, without limiting the generality of the foregoing planning, engineering or other professional expenses
2. The City agrees to process the application and, where the application is approved by the City but appealed to the Ontario Municipal Board by a party other than the Developer, the Developer shall file an initial deposit, in the form of certified cheque or cash with the General Manager, Finance & Corporate Services within fifteen days of the date of the appeal of the application by a third party in the amount of 50% of the estimated expenses associated with the appeal as estimated by the City Solicitor in his sole discretion which shall be credited against the Expenses.
3. It is hereby acknowledged that if the deposit required pursuant to section 2 of this Agreement is not paid by the Developer the City shall have the option, at its sole discretion, of taking no further steps in supporting the Developer's application before the Ontario Municipal Board.
4. It is hereby acknowledged that all expenses shall be paid for by the Developer. The Developer shall reimburse the City for all expenses the City may be put to in respect of the application upon demand.
5. It is hereby acknowledged and agreed that all expenses shall be payable by the Developer whether or not the Developer is successful before the Ontario Municipal Board or any other tribunal or Court in obtaining approval for their application.
6. The City shall provide the Developer with copies of all invoices of external legal counsel or consultants included in the expenses claimed by the City.
7. The City shall provide the Developer with an accounting of all staff costs and City disbursements included in the expenses claimed by the City.
8. The City may, at any time, draw upon the funds deposited in accordance with sections 2 and 9 of this Agreement to satisfy expenses incurred pursuant to the appeal of the application.

9. In the event that the amount deposited pursuant to section 2 of this Agreement is reduced to less than 10% of the initial deposit, the City may halt all work in respect of the appeal of the application until the Developer deposits with the City a sum sufficient to increase the deposit to an amount which is equal to 100% of the expenses estimated pursuant to paragraph 2 of this Agreement and still to be incurred by the City.
10. Within 60 days of: (a) a decision being rendering in respect of the appeal or any legal proceedings resulting from the decision, whichever is later; or (b) the termination of all legal proceedings in respect of the application, the City shall prepare and submit a final account to the Developer. If there are any deposit funds remaining with the City they shall be applied against the account. Any amount owing in respect of the final account in excess of deposit funds shall be paid by the Developer within 30 days of the date of the final account. If any deposit funds are remaining after the final account has been paid they shall be returned to the developer within 30 days of the date of the final account.
11. This Agreement shall not be construed as acceptance of the application and nothing herein shall require or be deemed to require the City to approve the application.
12. This Agreement shall not stand in lieu of or prejudice the rights of the City to require such further and other agreements in respect of the application that the City may deem necessary.
13. Every term, covenant, obligation and condition in this Agreement ensures to the benefit of and is binding upon the parties hereto and their respective heirs, executors, administrators, successors, trustees and assigns.
14. When the context so requires or permits, the singular number is to be read as if the plural were expressed, and the masculine gender as if the feminine, as the case may be, were expressed; and,
15. This Agreement and the schedules hereto constitute the entire agreement between the parties in respect of the subject matter contained herein and is not subject to, or in addition to, any other agreements, warranties or understandings, whether written, oral or implied. This Agreement may not be modified or amended except by instrument in writing signed by the Developer and the City, and,
16. The waiver or acquiescence by the City of any default by the Developer under any obligation to comply with this Agreement shall not be deemed to be a waiver of that obligation or any subsequent or other default under this Agreement.
17. The Developer covenants and agrees to be bound by the terms and conditions of this Agreement and not to seek a release from the provisions thereof until such time as the Developer's obligations hereunder have been assumed by its successor, assignee or transferee by way of written agreement in the form set out in Schedule "B" to this Agreement.

IN WITNESS WHEREOF the parties hereto have set their corporate seals under the hands of their duly authorized officers.

DATED at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
Per:  
I have authority to bind the corporation.

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
Per:  
I have authority to bind the corporation

DATED at Hamilton, Ontario this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

City of Hamilton

Per: \_\_\_\_\_  
Mayor

Per: \_\_\_\_\_  
Clerk

Schedule "A"  
Description of Lands

**SCHEDULE "B"**  
**FORM OF ASSUMPTION AGREEMENT**

**THIS AGREEMENT** dated the \_\_\_\_\_ day of \_\_\_\_\_ 20 .

**BETWEEN**

\_\_\_\_\_  
(hereinafter called the "Owner")

OF THE FIRST PART

-and-

\_\_\_\_\_  
(hereinafter called the "Assignee")

OF THE SECOND PART

-and-

CITY OF HAMILTON  
(hereinafter called the "Municipality")

OF THE THIRD PART

**WHEREAS** the owner and the Municipality entered into and executed a Cost Acknowledgement Agreement dated \_\_\_\_\_.

**AND WHEREAS** Assignee has indicated that it will assume all of the Owner's duties, liabilities and responsibilities as set out in the Cost Acknowledgement Agreement.

**AND WHEREAS** Council for the Municipality has consented to releasing the Owner from its duties, liabilities and responsibilities under said Cost Acknowledgement Agreement subject to the Assignee accepting and assuming the Owner's duties, liabilities and responsibilities and subject to the Assignee the Owner and the Municipality entering into and executing an Assumption Agreement.

**NOW THEREFORE THIS AGREEMENT WITNESSETH THAT** in consideration of the mutual covenants hereinafter expressed and other good and valuable consideration, the parties hereto agree as follows.

1. The Assignee covenants and agrees to accept, assume and to carry out the Owner's duties, liabilities and responsibilities under the Cost Acknowledgement Agreement and in all respects to be bound under said Cost Acknowledgement Agreement as if the Assignee had been the original party to the agreement in place of the Owner.
2. The Municipality hereby releases the Owner from all claims and demands of any nature whatsoever against the Owner in respect of the Cost Acknowledgement Agreement. The Municipality hereby accepts the Assignee as a party to the Cost Acknowledge Agreement in substitution of the Owner, and agrees with the Assignee that the Assignee will be bound by all the terms and conditions of the Cost Acknowledgement Agreement as if the Assignee had been the original executing party in place of the Owner.
3. All of the terms, covenants, provisos and stipulations in the said Cost Acknowledgement Agreement are hereby confirmed in full force save and except for such modifications as are necessary to make said clauses applicable to the Assignee.

**IN WITNESS WHEREOF** the Parties have hereunto affixed their corporate seals duly attested to by their proper signing officers in that behalf.

**SIGNED, SEALED AND DELIVERED**

\_\_\_\_\_  
Owner:  
Title:  
I have authority to bind the corporation

\_\_\_\_\_  
Assignee:  
Title:  
I have authority to bind the corporation

**CITY OF HAMILTON**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk